IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION Nos : 25973, 25788, 25972, 25944 and 26155 of 2003

WRIT PETITION No.1831 of 2004

&

CC No.856 of 2004 in WP No.25973 of 2003 and CC No.866 of 2004 in WP No.26155 of 2003

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WP No.25973 of 2003 & CC No.856 of 2004

Between:

1 Ms. G. Sheba Rani D/o G. Paul, Conductor, E. No. 601029/ R/o East

Godavari District
2 Ms. P.J.R.S. Kumari D/o B. Ravi, Conductor, E. NO. 601081, R/o East

Godavari District
3 G. Ramabrahmam, S/o Bhaskara Rao, Conductor, E. NO. 600986,

R/o East Godavari District
4 K.S.P. Rao S/o K.V.S.Sarma, Conductor, E. NO. 601043, R/o East

Godavari District
5 K. Sesha Ratnam, S/o Ch. S. Gopal Rao, Conductor, E. NO. 601044,

R/o East Godavari District
6 D. Rambabu S/o Ch. S. Gopala Rao, Conductor, E. NO. 601060,

R/o East Godavari District
7 M/s. G. Pushpavathi, D/o Hanumanta Rao, Conductor E. No. 601071

R/o East Godavari District
8 Ms. G. Uma Laxmi, D/o Hanumanta Rao, Conductor E. No. 601054

R/o East Godavari District
9 Ms. K. saritha D/o Shivanandappa, Conductor E. No. 601073, R/o East

Godavari District
10 M. Nageswara Rao S/o Suryanarayana, Conductor E. No. 601080,

R/o East Godavari District

11 A. Benjamin Paul S/o A.Paul, Conductor E. No. 601928 East Godavari

District
12 Ch. Srinivasa Rao S/o Suryanarayana, Conductor E. No. 601033,

R/o East Godavari District
13 P. Rambabu S/o Appala raju, Conductor E. No. 600931 East Godavari

District
14 M.Ch. S. Rao S/o Venkata Ratnam, Conductor E. No. 600931, East

Godavari District
15 G. Nageswara Rao S/o Rajulu, Conductor E. No. 600923 East Godavari

District
16 N. Ramaiah S/o N. Somaiah, Conductor, E. NO. 600932 East Godavari

District

... PETITIONERS

AND

1 The A.P. State Road Transport Corporation, rep by Managing Director, Musheerabad Hyderabad-20
2 The Regional Manager, APSRTC., Rajahmundry, East Godavari District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondents and issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, by declaring the action of respondents in proceedings No. E6/684 (4)/01-RM-RJY, dated 19-2-2002, disengaging our services with effect from 19-2-2002 16-12-2992, 23-12-2002 and 7-1-2003 by the respondents as arbitrary illegal, unjust, contrary to law, in violation of principles of natural justice, contrary to APSRTC Regulations and Circulars, in violation of provisions of Motor Vehicles Act, mounts to unfair labour practice, victimization and in violation of section 25-F & 25-N of the Industrial Disputes Act and also violation and in violation of Section 25-F of the Industrial Disputes Act and also violative of Articles 14 and 21 of the Constitution of India and grant all Consequential benefits,

Counsel for the Petitioners: MR.P.SRIDHAR RAO

Counsel for the Respondents: MR.Y.V.SWAMY SC FOR APSRTC

MR.Y. VIVEKANANDA SWAMY

WP No.25788 of 2003

Between:

1 G. Srinivas, S/o. Satyanarayana, E.No. 600798 R/o. East Godavari

District.

2 K. Vijaya Kumar, S/o. Anand Rao, E.No. 600677 R/o. East Godavari

District.
3 E. Ram Babu, Appa Rao, E.No. 600678 R/o. East Godavari District.
4 M. Chandrashekar,S/o. Veera Raghavulu, E.No. 600680 R/o. East

Godavari District.
5 Ms. K. Padmavathi, D/o Suryam, E.No. 600682 R/o. East Godavari

District.
6 Ms. K. Ratna Hemam, D/o. Kashi Viswanath, E.No. 600683 R/o. East

Godavari District.
7 K. Tata Rao, S/o. Kama Raju, E.No. 600791 R/o. East Godavari District.
8 S. Shashidhar, S/o. Rama Murthy, E.No. 600792 R/o. East Godavari

District.
9 K. Venkateshwarlu, S/o. Maridiyya, E.No. 600796 R/o. East Godavari

District.
10 Ms. K.V. Laxmi, D/o. Krishna Murthy, E.No. 600799 R/o. East

Godavari District.
11 M.S. Narayana, S/o. Bhaskar Rao, E.No. 600751 R/o. East Godavari

District.
12 Ms. B. Rajeswari, D/o. Satyanarayana, E.No. 600803 R/o. East Godavari

District.
13 Ms. A. Kanaka Bharathi, D/o. Nooka Raju, E.No. 600806 R/o. East

Godavari District.
14 D. Srinivas, S/o. Swamy, E.No. 600759 R/o. East Godavari District.
15 R. Narayana Rao, S/o. Mohana Rao, E.No. 600760 R/o. East Godavari

District.
16 SK. M. Lal, S/o. SK. H. Saheb, E.No. 600763 R/o. East Godavari

District.
17 P. K. Rao, S/o. Bangarayya, E.No. 600764 R/o. East Godavari District.
18 K. Bhaskar Rao, S/o. Ganga Raju, E.No. 600768 R/o. East Godavari

District.
19 Ms. A.R. Tulasi, S/o. M. Venkateswara Rao, E.No. 600811 R/o. East

Godavari District.
20 G. Raja Babu, S/o. Babu, E.No. 600769 R/o. East Godavari District.
21 P. Raja Kumar, S/o. John Tatayya, E.No. 600770 R/o. East Godavari

District.
22 G. Srinivas, S/o. Satyanarayana, E.No. 600676 R/o. East Godavari

District.

... PETITIONERS

AND

1 The A.P. State Road, Transport Corporation, rep by its Managing Director Musheerabad, Hyderabad-20.
2 The Regional Manager, A.P.S.R.T.C., Rajahmundry, E.G. District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondents and issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, by declaring the action of respondents in proceedings No. E6/255/(17) 02-RM-RJY, dated 8-7-2002, disengaging our services with effect from 10-7-2002 by continuing Krishna Region employees (Conductors), engaged vide proceedings dated 7-12-2002, 16-12-2002, 23-12-2002 and 7-1-2003 by the respondents as arbitrary, illegal, unjust, contrary to law, in violation of provisions of Motor Vehicles Act, amounts to unfair labour practice, victimization and in violation of section 25-F & 25-N of the Industrial Disputes Act and also violative of Articles 14 and 21 of the Constitution of India and grant all consequential benefits and pass

Counsel for the Petitioners: MR.P.SRIDHAR RAO

Counsel for the Respondents: MR.Y.V.SWAMY SC FOR APSRTC

MR.Y.V.VIVEKANANDA SWAMY

WRIT PETITION NO : 25972 of 2003

Between:

1 Ms.K.Satyavathi D/o. Satya Rao, Occ: Conductor, E.No.600846
2 K.Peddi Raju S/o.Narayana Murthy, Occ: Conductor, E.No.600776

3 P.B.M.K.Rao S/o. Appa Rao, Occ: Conductor, E.No.600777
4 D.Venkanna Babu S/o. Nageswara Rao, Occ: Conductor, E.No.600778
5 Ms.A.V.S.J.Laxmi D/Venkateswarlu, Occ: Conductor, E.No.600847
6 Ms.T.Rama laxmi D/o.V.Satya Saibaba, Occ: Conductor, E.No.600848
7 M.Rama Krishna S/o. Tatabbaiah, Occ: Conductor, E.No.600813
8 K.Uma Sankaram S/o. Venkata Ratnam, Occ: Conductor, E.No.600814
9 Ms.D.Aruna W/o. Vaikunta Rao, Occ: Conductor, E.No.600850
10 T.V.J.S.Ramulu S/o.Venkateswara Rao, Occ: Conductor, E.No.600817
11 Ms.U.B.V.Ratna Kumari D/o.Rama Rao, Occ: Conductor, E.No.600882
12 A.V.V.N.S.Narayana, Occ: Conductor, E.No.600819
13 Ms.B.Ganga Bhavani D/o. Paravasthu, Occ: Conductor, E.No.600849
(All the above petitioners are R/o.East Godavari District)

... PETITIONERS

AND

1 The A.P.State Road Transport Corporation, rep.by its Managing Director, Musheerabad, Hyderabad-20
2 The Regional Manager, A.P.S.R.T.C., Rajahmundry,East Godavari District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, by declaring the action of respondents in proceedings No.E6/255(14)/02-RM-RJY, dated 7-3-2002, disengaging our services with effect from 7-3-2002 by continuing Krishna Region employees (conductors), engaged vide proceedings dated 7-12-2002, 16-12-2002, 23-12-2002 and 7-1-2003 by the respondents as arbitrary, illegal, unjust, contrary to law, in violation of principles of natural justice, contrary to APSRTC Regulations and circulars, in violation of provisions of Motor Vehicles Act, amounts to unfair labour practice, victimization and in violation of section 25-F & 25-N of the Industrial Disputes Act and also violative of Articles 14 and 21 of the Constitution of India; and grant all consequential benefits, and pass

Counsel for the Petitioners: MR.P.SRIDHAR RAO

Counsel for the Respondents: MR.Y.VIVEKANANDA SWAMY

WRIT PETITION NO : 25944 of 2003

Between:

1 K.Padma Raju, S/o.Raju, Conductor, E.No.600822, R/o.East Godavari

District.

2 P.V.S.D.Prasad, S/o.P.Swamy, Conductor, E.No.600826, R/o.East

Godavari District.

3 P.Laxmana Murthy, S/o.Chittayya, Conductor, E.No.600830, R/o.East

Godavari District.

4 Ch.T.E.V.R.Murthy, S/o.Veer Raju, Conductor, E.No.600833, R/o.East

Godavari District.

5 L.Ramachandra Rao, S/o.Chittayya, Conductor, E.No.600834, R/o.East

Godavari District.

6 N.Durga Prasad, S/o.Satyanarayana, Conductor, E.No.600837, R/o.East

Godavari District.

7 V.Simhachalam, S/o.Chiru Nagaiah, Conductor, E.No.600840, R/o.East

Godavari District.

8 K.R.K.V.Prasad, S/o.Papa Rao, Conductor, E.No.600841 R/o.East

Godavari District.

9 L.E.R.Babu, S/o.Chittanna, Conductor, E.No.600842, R/o.East Godavari

District.

10 V.Srinivasachari, S/o.V.V.L.N.Chari, Conductor, E.No.600843, R/o.East

Godavari District.

11 T.Srinivasa Rao, S/.Naga Bhushana Rao, Conductor, E.No.601049,

R/o.East Godavari District.

12 Ms.Ch.Suseela, D/o.Simhadri Rao, Conductor, E.No.601050, R/o.East

Godavari District.
13 V.Vijaya Laxmi, D/o.Rama Rao, Conductor, E.No.601041, R/o.East

Godavari District.
14 K.N.Ratnam, S/o.K.B.Raju, Conductor, E.No.601038, R/o.East Godavari

District.
15 A.V.S.Ramesh, S/o.V.V.Satyanarayana, Conductor, E.No.601051,

R/o.East Godavari District.
16 Ms.B.Vijayakumari, D/o.Laxman Rao, Conductor, E.No.601042,

R/o.East Godavari District.

... PETITIONERS

AND

1 The A.P.State Road Transport Corporation, reptd.by its Managing Director, Musheerabad, Hyderabad-20
2 The Regional Manager, A.P.S.R.T.C., Rajahmundry, E.G.District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondents and issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, by declaring the action of respondents in proceedings No.E6/255(14)/2001-RM-RJY, dated 29-6-2001, disengaging services of petitioners with effect from 1-7-2001 by continuing Krishna Region employees (Conductors), engaged vide proceedings dated 7-12-2002, 16-12-2002, 23-12-2002 and 7-1-2003 by the respondents as arbitrary, illegal, unjust, contrary to law in violation of principles of natural justice, contrary to APSRTC Regulations and Circulars, in violation of provisions of Motor Vehicles Act, amounts to unfair labour practice, victimization and in violation of Section 25-F & 25-N of the Industrial Disputes Act and also violative of Articles 14 and 21 of the Constitution of India and grant all consequential benefits

Counsel for the Petitioners: MR.P.SRIDHAR RAO

Counsel for the Respondents: MR.Y.V.SWAMY SC FOR APSRTC

MR.Y.VIVEKANANDA SWAMY

WRIT PETITION NO : 26155 of 2003 & CC No.866 of 2004

Between:

1 K.S.N.K. Murthy s/o K.S. Bose, Conductor E-601053 R/o East Godavari

District
2 DVR Reddy S/o Ram Reddy, Conductor E-601057 R/o East Godavari

District
3 K.Ch. V. Rao S/o Krishna Murthy, Conductor E-601063 R/o East

Godavari District

... PETITIONERS

AND

1 The A.P. State road Transport Corporation, rep by its Managing Director,

Hyderabad-20
2 The Regional Manager, APSRTC., Rajahmundary, East Godavari District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondents in proceedings No. E6/255(14) 02-RM-RJY dated 29-6-2001 disengaging the petitioners' services with effect from 1--7-2001 by continuing Krishna Region Employees (conductors) engaged vide proceedings dated 7-12-02 16-12-2002, 23-12-2002 and 7-1-03 by the Respondents as arbitrary, illegal, unjust, contrary to law in violation of Principle of natural justice, contrary to law, in violation of principles of natural justice contrary to APSRTC Regulations and circula in violation of provision of Motor Vehicle Act, amounts to unfair labour Practice, victimization and in violation of Sec 25-F & 25-N of Industrial Disputes Act and also violative of Art. 14 & 21 of Constitution of India and grant all consequential benefits in the interest of justice

Counsel for the Petitioners: MR.P.SRIDHAR RAO

Counsel for the Respondents: MR.Y.V.SWAMY SC FOR APSRTC

WRIT PETITION NO : 1831 of 2004

Between:

1 M.Rama Krishna S/o.Tatabbaiah, Occ: Conductor, E.No.600813, R/o.East Godavari District.
2 Ms.K.Satyavathi S/o.Satya Rao, Occ: Conductor, E.No.600846, R/o.East Godavari District.
3 K.Peddi Raju S/o.Narayana Murthy, Occ: Conductor, E.No.600776, R/o.East Godavari District.
4 P.B.M.K.Rao S/o.Appa Rao, Occ: Conductor, E.No.600777, R/o.East Godavari District.
5 D.Venkanna Babu S/o.Nageswara Rao, Occ: Conductor, E.No.600778, R/o.East Godavari District.
6 Ms..A.V.S.J.Laxmi D/o.Venkateswarlu, Occ: Conductor, E.No.600847, R/o.East Godavari District.
7 Ms.T.Rama Laxmi D/o.V.Satya Saibaba, Occ: Conductor, E.No.600848, R/o.East Godavari District.
8 K.Uma Sankaram S/o.Venkata Ratnam, Occ: Conductor, E.No.600814, R/o.East Godavari District.
9 Ms.D.Aruna W/o.Vaikunta Rao, Occ: Conductor, E.No.600850, R/o.East Godavari District.
10 T.V.J.S.Ramulu S/o.Venkateswara Rao, Occ: Conductor, E.No.600817, R/o.East Godavari District.
11 Ms.U.B.V.Ratna Kumari D/o.Rama Rao, Occ: Conductor, E.No.600882, R/o.East Godavari District.

12 A.V.V.N.S.Narayana, Occ: Conductor, E.No.600819,
R/o.East Godavari District.
13 Ms.B.Ganga Bhavani D/o.Paravasthu, Occ: Conductor, E.No.600849,
R/o.East Godavari District.
14 P.K.Rao S/o.Bangarayya, Occ: Conductor, E.No.600764,
R/o.East Godavari District.
15 K.Bhaskar Rao S/o.Gangaraju, Occ: Conductor, E.No.600768,
R/o.East Godavari District.
16 Ms.A.R.Tulasi W/o.K.V.Koteshwar Rao, Occ: Conductor, E.No.600811,
R/o.East Godavari District.
17 G.Raja Babu S/o.Babu Rao, Occ: Conductor, E.No.600769,
R/o.East Godavari District.
18 P.Raja Kumar s/o.John Tatayya, Occ: Conductor, E.No.600770,
R/o.East Godavari District.
19 K.Padma Raju S/o.Raju, Occ: Conductor, E.No.600822,
R/o.East Godavari District.
20 L.Laxmana Murthy, S/o.Chittayya, Occ: Conductor, E.No.600830,

R/o. East Godavari District.

... PETITIONERS

AND

1 The A.P.State Road Transport Corporation, rep.by its Managing Director,

Musheerabad, Hyderabad-20.
2 The Regional Manager, APSRTC, Rajahmundry East Godavari District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the respondents and issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus by declaring the action of the 2nd respondent in proceedings No.E6/259(5)/04-RM-RJY, dated 23.1.2004, in so far as the petitioners are concerned, directing them to report by 3-2-2004 at Regional Manager, APSRTC, Hyderabad City Region for temporary engagement in HCR on daily wage basis as arbitrary, illegal, unjust, contrary to law, in violation of principles of natural justice, contrary to APSRTC regulations and Circulars, in violation of provisions of Motor Vehicles Act, victimization, unfair labour practice, and also violative of Articles 14 and 21 of the Constitution of India and grant all consequential benefits.

Counsel for the Petitioners: MR.P.SRIDHAR RAO

Counsel for the Respondents: MR.Y.VIVEKANANDA SWAMY

The Court made the following order:

COMMON ORDER:

All these writ petitions are disposed of by a common order as similar question is involved.

Heard the learned counsel appearing for both the parties.

All the petitioners herein have been selected by a properly constituted selection committee in different depots of East Godavari region. Their services have been engaged depending upon the workload. While so, to deprive the petitioners, some of the regular conductors from Krishna region have been brought to the East Godavari region and the services of the petitioners have been disengaged.

Learned counsel for the petitioners submits that, in fact, all the petitioners have been selected prior to the persons who were brought from the Krishna region. Therefore, the petitioners are seniors and there is no justification on the part of the respondents to bring the persons, who are appointed, subsequent to the petitioners. Admittedly, the unit of appointment and seniority for all purposes is region wise, even if any request for transfer, such request has to be considered on the condition that he would loose seniority in the transferee region. He further submits that if such practice is permitted then the appointing authority in the Krishna region will regularise their services and send them to other regions to deprive the rights of the conductors who have been selected by a properly constituted committed.

In view of the aforesaid facts and circumstances of the case, this Court granted interim direction directing the respondents to continue the petitioners in the post of conductors in their respective depots provided their juniors are being continued in

the said posts. It is also made clear that the services of the petitioners shall not be terminated for accommodating the personnel from the Krishna region.

It is stated that pursuant to the interim direction of this Court almost all the petitioners have been reengaged except the petitioners in WP.No.25944 of 2003 and WP.No.25793 of 2003. Therefore, the case of the petitioners in these two writ petitions has to be considered, if their juniors are engaged in the East Godavari region in preference to the conductors brought from the Krishna region.

Having regard to the facts and circumstances of the case, all these writ petitions are disposed of in terms of the interim orders passed. No costs.

In view of the disposal of these writ petitions, the contempt cases are also closed.

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V. ESWARAIAH, J

September 16, 2004

Dsk

Note: Furnish Copy in one week

To

1 The A.P. State Road Transport Corporation, rep by Managing Director, Musheerabad,Hyderabad-20
2 The Regional Manager, APSRTC., Rajahmundry, East Godavari District.

3 Two CD Copies.